

**ENTERED**

February 06, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**CHRISTY GRAVES, et al.,**

ଶବ୍ଦବିଜ୍ଞାନ

**Plaintiffs,**

§

**DAVID BAECKER, et al.,**

§

### **Intervenor Plaintiffs,**

§

V.

**CASE NO. 4:17-CV-3068**

ARKEMA INC., et al.,

§

## Defendants.

§

## ORDER

Pending before the Court is Defendants Arkema Inc., Richard Rennard, and Richard Rowe’s Joint Partial Motion to Dismiss pursuant to the Texas Citizens’ Participation Act (“TCPA”). (**Instrument No. 17**). Defendants argue that the TCPA requires dismissal of Plaintiffs’ negligent misrepresentation claims to the extent they seek recovery of business and property damages and an award of reasonable attorneys’ fees and costs to Defendants. *Id.* at 4. Plaintiffs Second Amended Petition does not request recovery of business and property damages. (Instrument No. 1-2 at 69). Moreover, in their response to Defendants’ motion, Plaintiffs have explicitly clarified that they “only allege bodily injury damages from the Defendants’ negligent misrepresentations.” (Instrument No. 28 at 5, 5 n.1). The TCPA therefore does not apply to Plaintiffs’ negligent misrepresentation claims against Defendants.

Accordingly, **IT IS HEREBY ORDERED** that Defendants' Partial Motion to Dismiss pursuant to the Texas Citizens' Participation Act is **DENIED. (Instrument No. 17)**. The parties shall bear their own costs.

The Clerk shall enter this Order and provide a copy to all parties.

*5<sup>th</sup>*  
**SIGNED** on this the 5 day of February, 2018, at Houston, Texas.

  
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**VANESSA D. GILMORE**  
**UNITED STATES DISTRICT JUDGE**